

88

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/732,769	MUHS, DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy P. Solak	3746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on 07/25/2005.
2. ☒ The allowed claim(s) is/are 38-58.
3. ☒ The drawings filed on 25 July 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>09/30/2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                      |
|   | 9. <input type="checkbox"/> Other _____  |

*TP Solak* 9/30/05

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brain Tufte on 09/22/2005.

The application has been amended as follows:

### *In the Claims:*

In Claim 54, line 12, "a sensor for sensing a level of pump fluid in the reservoir;" has been deleted.

In Claim 58, line 11, "reservoir which" has been deleted and --reservoir, the electrical signal-- substituted therefore.

### ***Response to Arguments***

Applicant's arguments, see page 9, last paragraph to page 10 first paragraph, filed 07/25/2005, with respect to the claim objections, specifically recitation of "and/or" have been fully considered and are persuasive. Accordingly the objections set forth in the previous Office Action are hereby withdrawn.

Changes made in accordance with the amendment received on 07/25/2005, specifically the claim pendency, have overcome the rejections set forth in the previous Office Action.

Accordingly the rejections under -35 USC § 112 are hereby withdrawn.

Applicant's arguments, see page 10, third paragraph and page 11, first paragraph, filed 07/25/2005, with respect to the claim rejections, specifically Claims 38 and 49, have been fully considered and are persuasive. Accordingly the rejections under -35 USC § 102(b), set forth in the previous Office Action are hereby withdrawn.

### ***Claim Numbering***

The claims have been renumbered as follows for allowance. The following table contains the original claim number with the new corresponding claim number.

Claims 1-37 have been canceled.

<i>OLD</i>	<b>NEW</b>	<i>OLD</i>	<b>NEW</b>	<i>OLD</i>	<b>NEW</b>	<i>OLD</i>	<b>NEW</b>
38	<b>2</b>	44	<b>8</b>	50	<b>14</b>	56	<b>20</b>
39	<b>3</b>	45	<b>9</b>	51	<b>15</b>	57	<b>21</b>
40	<b>4</b>	46	<b>10</b>	52	<b>16</b>	58	<b>1</b>
41	<b>5</b>	47	<b>11</b>	53	<b>17</b>	---	---
42	<b>6</b>	48	<b>12</b>	54	<b>18</b>	---	---
43	<b>7</b>	49	<b>13</b>	55	<b>19</b>	---	---

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P. Solak whose telephone number is 571 272-4833. The examiner can normally be reached on Monday through Friday from 10:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571 272-4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy P. Solak  
Examiner  
Art Unit 3746  
September 30, 2005